

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.605 OF 2007

Deshpande Bhimrao Raghavendrarao.. Petitioner

Vs.

1. Lala Lajpatrai Institute
C/o.Lala Lajpatrai College of
Commerce, Mumbai & Ors. .. Respondents

Mr.C.R.Sadasivan with Mr.N.M.Ganguli for the
petitioner

Ms.Manorama Mohauthy i/b Mr.S.K.Srivastav & Co.
for the respondent nos.1 and 2

Mr.P.M.Mokashi, A.G.P. for the respondents

**CORAM : J.N.PATEL &
A.A.SAYED, JJ.**

DATED : 25TH APRIL, 2007

P.C.:

1. We find that in so far as claim of the
petitioner is concerned, it is duly adjudicated and
determined. The lapse is on the part of respondent
no.1 management in not making the payment.

2. The learned counsel appearing for the

respondent management states that they are willing to make payment but subject to approval of Joint Director, Higher Education, Mumbai Region, Mumbai. Well, this is not the concern of the petitioner. It is the management which should have obtained the approval of the Joint Director, Higher Education, Mumbai Region, Mumbai. The learned counsel for the respondent management submits that on 23.3.07, they have already communicated to the Joint Director of Higher Education, Region Mumbai by forwarding the letter written by the petitioner claiming a sum of Rs.79,408/-. The learned A.G.P. submits that the Joint Director, Higher Education, Mumbai Region, Mumbai has already responded to the letter dt.23.3.07 in which it has been made clear that the management should pay the dues and thereafter raise a bill. Copies of the aforesaid correspondence have been tendered in the court and they are taken on record and marked 'X' collectively.

3. The learned counsel for the petitioner submits that if the petition is disposed of by directing the respondents to jointly and severally pay the sum of Rs.79,408/- with interest, he will

be satisfied.

4. We find that the respondent management or the Joint Director, Higher Education, Mumbai Region, Mumbai have not disputed the claim of Rs.79,408/- made by the petitioner vide his letter dt.12.7.06 and it is only on 23.3.07 that the management has forwarded it to the Joint Director, Higher Education, Mumbai Region, Mumbai. Therefore, we find that the respondent management is liable to pay interest @ 12% p.a. on the sum of Rs.79,408/- to the petitioner from August 2006 till the amount which is claimed is paid alongwith interest. In so far as interse correspondence between the respondents is concerned, it is not for this court to take any cognisance of the same as the petitioner has been repeatedly corresponding with the respondent management and it has failed to make the payment inspite of the fact that it is not disputed.

5. We therefore, dispose of this petition at the stage of admission itself by directing the respondents to pay the sum of Rs.79,408/- to the

petitioner with interest @ 12% p.a. i.e. from 1.7.06 till the payment is made. We further direct the respondents to make the payment on or before 31.5.07. Petition stands disposed of accordingly with no order as to costs.

(SHRI J.N. PATEL, J)

(SHRI A.A. SAYED, J)